## R E M A R K S

Claims 1 – 7 and 10 – 20 are in the application.  Claims 1 and 18 – 20 are currently amended; claims 2 – 7 and 10 – 17 were previously presented; and claims 8 and 9 are canceled.  Claims 1 and 18 – 20 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith.

Reconsideration and further examination are respectfully requested.

### Claim Rejections – 35 USC§ 102

Claims 1 – 7 and 10 – 20 were rejected under 35 U.S.C. 102(b) as being unpatentable by Diacakis et al. U.S. Publication No. 2002/0116336, hereinafter "Diacakis".  This rejection is traversed.

Applicant notes that representative claim 1 relates to a method including interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that provides an availability of a device associated with the identity, where the identity is a person or a group of persons; detecting a new device oriented context provided by said device oriented context application for a specific device associated with an identity, wherein said new device oriented context provides an availability status of the specific device and the identity oriented context application and the device oriented context application are separate and distinct from each other; mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity; and providing data indicative of said mapped identity oriented context to said identity context oriented application.

Clearly, Applicant claims interfacing an identity oriented context application with a separate and distinct device oriented context application. The claimed identity oriented context application represents a context of an identity based on an availability of the identity, whereas the claimed device oriented context application provides an availability of a device associated with the identity.

Applicant notes that the claimed "device oriented context application" is clarified by the current amendments to clearly and unambiguously recite the device oriented context application provides an availability of a device associated with the identity. That is, the availability of a device associated with the identity is provided by the device oriented context application. Support for the current claim amendments is provided by the Specification at paragraph [0028] wherein it is disclosed, "[A]n identity may have one or more associated devices. ...Each device may have an associated device context. ... Context for a device may describe the work or non-work stat, and/or the availability or non-availability state, that the device is in."

Thus, it is clear that the claimed "device oriented context application" provides an availability of a device associated with the identity. The claimed "device oriented context application" does not provide an availability or presence of an individual.

Applicant respectfully notes that claims 18 (also directed to a method), 19 (reciting an article of manufacture), and claim 20 (reciting an apparatus) are worded similar to claim 1 regarding the claimed device oriented context application.

Applicant respectfully submits that the cited and relied upon Diacakis does not disclose or suggest, at least, the claimed device oriented context application, and mapping the new device oriented context to the identity oriented context.

Applicant notes the Examiner maintains the rejection of the claims on the asserted basis and interpretation that Diacakis' disclosed presence detection engine is equivalent to the claimed "device oriented context application", as stated in the Office Action at page 7 – 8. However, the Office's characterization of Diacakis is mistaken. Applicant submits that Diacakis actually and factually discloses the presence detection

engine 18 is in fact an identity oriented context application. This is true since the presence detection engine 18 determines "an individual's presence upon particular networks based on various inputs". (Diacakis, paragraph [0038]) Diacakis further discloses,

> [0026] <u>As used herein, the term "presence" is defined as the ability of an individual to access a particular communications network.</u> For example, if a person is near a landline telephone or wireless telephone that is switched on, that person is "present" on a telephone network, i.e., the person is able to use the telephone network to communicate with other people also on the network. Conversely, if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network.

> [0027] In addition<u>, as used herein the term "availability" is defined as the willingness of an individual who is present on one or more communications networks to be reached by one or more persons.</u> Following the telephone network example above, if a person is near a landline or wireless telephone and has the intention or willingness to answer the phone when a particular person calls, the person is not only present but available on the telephone network. However, if the person is unwilling or unable to answer either phone when it rings, although present, the person is not available. (emphasis added)

Thus, it is clear that Diacakis' presence detection engine 18, as explicitly disclosed and defined by Diacakis, provides a <u>presence of an individual</u>. The fact that the individual may be present on a network or a device does not alter the fact that Diacakis provides a presence of the individual. That is, it is the presence of the individual that is determined, not the presence or availability of the network or device.

Diacakis also discloses,

> [0044] <u>The presence detection engine 18</u> may also receive inputs from computer networks such as, for example, a local Ethernet, a LAN, a wireless LAN, a MAN, a WAN, or a TCP/IP network, <u>to determine if the individual is present on such a network,</u> such as via his personal computer (PC) 48. Similarly, the presence detection engine 18 may be in communication with communication networks to determine whether an individual is present on other devices such as, for example, a personal

digital assistant (PDA) 50 or a pager 52.

[0045] Based on the presence information on such devices 44-52, the presence detection engine 18 may determine additional information about the individual, such as the individual's status 54 on particular networks (such as on or off) or the individual's physical location 56. In addition, based on information regarding each of these devices 44-53 the presence detection engine 18 may determine the individual's current capabilities 58 such as, for example, whether he can receive voice information, data files, audio files, video files, etc.

[0046] The presence information ascertained by the presence detection engine 18 is communicated to availability management engine 20, which determines the individual's availability based thereon. To determine the individual's availability, the availability management engine 20 may receive information transmitted by the individual regarding a change in their situation 60. Such a change in user situation may be communicated to the availability management engine 20 through a communication network such as, for example, an IP network, a telephone network, or a radio network.

[0047] The availability management engine 20 may consult the individual's rules and preferences to determine the individual's availability based on, for example, the presence information from the presence detection engine 18 and the individual's situation. The individual's rules and preferences maybe stored in a database 64, as illustrated in FIG. 4, or may be stored with the profile information in the database 24. Additionally, the individual may specify the observers 62 who receive the individual's contact information. The observers may be specified according to, for example, a group basis or an individual basis. The observer classification information may also be stored in a database, such as the profile database 24. (emphasis added) (Diacakis, paragraphs [0044] – [0048])

Based on the explicit disclosure of Diacakis reproduced hereinabove, it is clear that the presence detection engine therein determines the individual's presence and may determine additional information about the individual. Unquestionably, Diacakis' presence detection engine 18 provides presence information about the individual. The presence information about the individual from the presence detection engine 18 is used by the availability management engine 20, in combination with the individual's rules and preferences, to determine the individual's availability. The individual's rules

and preferences may determine or control how the individual's presence information from the presence detection engine is classified or characterized.

Therefore, it is seen that both the presence detection engine 18 and the availability management engine 20 relate to a presence (i.e., the ability of an <u>individual</u> to access a particular communications network) of an <u>individual</u>.  Contrary to the assertions in the Office Action, there is no disclosure or suggestion that the asserted Diacakis presence detection engine 18 is the same as, analogous to, or equivalent to the claimed "device oriented context application that provides an availability of a device".

Applicant also notes that the Office Action appears to admit that the Diacakis presence detection engine 18 is directed to the availability of an individual (and not the availability of a device) since the Office Action states, "presence detection engine interpreted as a device oriented context application since it determines user's presences on particular devices" at page 3, paragraph 1.  Applicant disagrees with the Examiner's conclusion that the presence detection engine is or should be interpreted as a device oriented context application.  However, Applicant notes that the statement that "it determines user's presences on particular devices" (where "it" refers to the presence detection engine) is accurate based on the explicit disclosure of Diacakis.  That is, the Office Action states (i.e., admits) the presence detection engine "determines user's presences".  Accordingly, the presence detection engine is related to an identity oriented context application since it "determines user's presences".

Applicant reiterates Diacakis provides numerous examples of the presence detection engine 18 providing <u>the individual's presence</u> on different networks.  Applicant incorporates the arguments of record related to Diacakis' extensive disclosed examples of the identity (i.e., individual) oriented application therein – the presence detection engine 18.  Accordingly, Applicant will not repeat the citations to Diacakis at paragraphs, [0034], [0038], and [0040] – [0044].

Applicant submits that both the presence detection engine 18 and the availability management engine 20 disclosed by Diacakis relate to the <u>availability of an individual</u>. No availability of a device is disclosed as being determined by Diacakis. That is, Diacakis fails to disclose or even suggest the claimed device oriented context application.

Applicant respectfully submits that claims 1, 18, 19, and 20 are not anticipated by Diacakis. Applicant further submits that claims 2 – 7 and 10 – 17 are also patentable over Diacakis for depending from an allowable base claim.

Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1– 7 and 10 – 20 under 35 USC 102.

# C O N C L U S I O N

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,


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